

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

IN RE: THIRD PARTY SUBPOENA TO  
ADAM MUHLENDORF

ROY S. MOORE

Plaintiff,

v.

SENATE MAJORITY PAC, et. al,

Defendant.

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**Misc. Case. No. 2:22-mc-03966-ECM**

**Case No.: 4:19-cv-1855-CLM (N.D. Ala.)**

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**MOTION TO EXPEDITE HEARING ON *MOTION TO QUASH SUBPOENA OR  
IN THE ALTERNATIVE, MOTION FOR PROTECTIVE ORDER* CURRENTLY  
SET FOR MARCH 29, 2022**

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COMES NOW, the Plaintiff Roy S. Moore in the above styled matter and files a Motion to Expedite the Hearing on the Motion to Quash Subpoena or in the Alternative Motion for Protective Order currently set for March 29, 2022 and offers as follows:

1. This matter is before the Court upon the Motion to Quash Subpoena or in the Alternative Motion for Protective order filed by Movant Adam Muhlendorf.
2. This Honorable Court set the Motion to be heard on March 29, 2022.
3. The Plaintiff respectfully requests that this matter be set to be heard on an earlier date, as March 29, 2022 is the same deadline given by Judge Corey

Maze by which all dispositive motions are due to filed. [See attached Scheduling Order.]

4. In his order dated 7 March 2022, Judge Corey L. Maze stated as follows:

4. Dispositive motions (if any) must be filed on **March 29, 2022.**

a. Moore retains the right to file a Rule 56(d) motion in response. If he does, his supporting affidavit or declaration must explain the timing of his discovery requests and why it should not be held against him. *See, e.g., Barfield v. Brierton*, 883 F.2d 923, 932 (11th Cir. 1989) (affirming the denial of a Rule 56(d) motion when the movant “had ample time and opportunity for discovery, yet failed to diligently pursue his options”); Wright & Miller, *Federal Practice & Procedure (Civil, 4th ed.)* §2740 (“The rule will not be liberally applied to aid parties who have been lazy or dilatory.”).

5. The outcome of the hearing before this Court will greatly affect motions that would be timely filed pursuant to the scheduling order set by Judge Maze.

6. The Plaintiff avers that he will be greatly prejudiced if this Court were unable to hearing the motion at a date prior to March 29, 2022, as he will have inadequate time for he and his counsel to thoroughly confer, draft, and file necessary pleadings pursuant to Judge Maze’s scheduling order that same date.

7. The Plaintiff requests that this matter be held at an earlier date (at the earliest convenience of the Court) and further avers that neither party will suffer any prejudice by an earlier setting.

WHEREFORE, Plaintiff respectfully requests that this Court reset the hearing currently set for March 29, 2022 to a date and time of at the earliest convenience of the Court as to avoid any undue prejudicial effects related to the deadline for dispositive motions.

Respectfully submitted,

/s/Melissa L. Isaak

Melissa L. Isaak (ASB-4872-A59I)

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CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record on this the 16<sup>th</sup> day of March, 2022.

/s/Melissa L. Isaak

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